

AMENDED IN ASSEMBLY MAY 1, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1013**

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**Introduced by Assembly Member Krekorian**

February 22, 2007

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An act to amend Section 1161 of the Code of Civil Procedure, and to ~~amend Section 11571.1 of the Health and Safety Code~~ *add and repeal Section 12041 of the Penal Code*, relating to weapons and ammunition.

LEGISLATIVE COUNSEL'S DIGEST

AB 1013, as amended, Krekorian. Weapons and ammunition: nuisance abatement.

Existing law establishes the criteria for determining when a tenant is guilty of unlawful detainer, including conduct *involving illegally selling a controlled substance, which is* deemed to constitute committing a nuisance on the premises.

This bill would add the circumstance of a person who ~~possesses illegal weapons or illegal ammunition or both or uses the premises to further that purpose, or a person who illegally possesses weapons or ammunition or both~~ *commits an offense involving possession of illegal weapons or ammunition* or uses the premises to further that purpose, to those circumstances that are deemed to constitute a nuisance ~~for these purposes~~.

Existing law establishes procedures for unlawful detainer actions in the name of the people for certain nuisances, to be brought by the city attorney or city prosecutor.

This bill would ~~include~~, *create pilot programs in specified cities in the Counties of Los Angeles, San Diego, and Alameda that would establish* as a basis for the unlawful detainer action in the name of the

public, a “weapons~~—and~~ or ammunition purpose,” as defined. *The programs, effective until January 1, 2010, would require the city attorney and city prosecutor of each participating jurisdiction to annually provide specified information to the Judicial Council regarding the number of cases for unlawful detainer filed for a weapons or ammunition purpose and would require the Judicial Council to compile that information, and report the merits of the pilot programs to the Legislature by April 15, 2009. By imposing new duties on local officials, the bill would create a state-mandated local program. The bill would make other conforming changes.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1161 of the Code of Civil Procedure is  
2     amended to read:  
3     1161. A tenant of real property, for a term less than life, or the  
4     executor or administrator of his or her estate heretofore qualified  
5     and now acting or hereafter to be qualified and act, is guilty of  
6     unlawful detainer:  
7     1. When he or she continues in possession, in person or by  
8     subtenant, of the property, or any part thereof, after the expiration  
9     of the term for which it is let to him or her; provided the expiration  
10    is of a nondefault nature however brought about without the  
11    permission of his or her landlord, or the successor in estate of his  
12    or her landlord, if applicable; including the case where the person  
13    to be removed became the occupant of the premises as a servant,  
14    employee, agent, or licensee and the relation of master and servant,  
15    or employer and employee, or principal and agent, or licensor and  
16    licensee, has been lawfully terminated or the time fixed for  
17    occupancy by the agreement between the parties has expired; but

1 nothing in this subdivision shall be construed as preventing the  
2 removal of the occupant in any other lawful manner; but in case  
3 of a tenancy at will, it must first be terminated by notice, as  
4 prescribed in the Civil Code.

5 2. When he or she continues in possession, in person or by  
6 subtenant, without the permission of his or her landlord, or the  
7 successor in estate of his or her landlord, if applicable, after default  
8 in the payment of rent, pursuant to the lease or agreement under  
9 which the property is held, and three days' notice, in writing,  
10 requiring its payment, stating the amount which is due, the name,  
11 telephone number, and address of the person to whom the rent  
12 payment shall be made, and, if payment may be made personally,  
13 the usual days and hours that person will be available to receive  
14 the payment (provided that, if the address does not allow for  
15 personal delivery, then it shall be conclusively presumed that upon  
16 the mailing of any rent or notice to the owner by the tenant to the  
17 name and address provided, the notice or rent is deemed received  
18 by the owner on the date posted, if the tenant can show proof of  
19 mailing to the name and address provided by the owner), or the  
20 number of an account in a financial institution into which the rental  
21 payment may be made, and the name and street address of the  
22 institution (provided that the institution is located within five miles  
23 of the rental property), or if an electronic funds transfer procedure  
24 has been previously established, that payment may be made  
25 pursuant to that procedure, or possession of the property, shall  
26 have been served upon him or her and if there is a subtenant in  
27 actual occupation of the premises, also upon the subtenant.

28 The notice may be served at any time within one year after the  
29 rent becomes due. In all cases of tenancy upon agricultural lands,  
30 where the tenant has held over and retained possession for more  
31 than 60 days after the expiration of the term without any demand  
32 of possession or notice to quit by the landlord or the successor in  
33 estate of his or her landlord, if applicable, he or she shall be deemed  
34 to be holding by permission of the landlord or successor in estate  
35 of his or her landlord, if applicable, and shall be entitled to hold  
36 under the terms of the lease for another full year, and shall not be  
37 guilty of an unlawful detainer during that year, and the holding  
38 over for that period shall be taken and construed as a consent on  
39 the part of a tenant to hold for another year.

1     3. When he or she continues in possession, in person or by  
2 subtenant, after a neglect or failure to perform other conditions or  
3 covenants of the lease or agreement under which the property is  
4 held, including any covenant not to assign or sublet, than the one  
5 for the payment of rent, and three days' notice, in writing, requiring  
6 the performance of such conditions or covenants, or the possession  
7 of the property, shall have been served upon him or her, and if  
8 there is a subtenant in actual occupation of the premises, also, upon  
9 the subtenant. Within three days after the service of the notice, the  
10 tenant, or any subtenant in actual occupation of the premises, or  
11 any mortgagee of the term, or other person interested in its  
12 continuance, may perform the conditions or covenants of the lease  
13 or pay the stipulated rent, as the case may be, and thereby save the  
14 lease from forfeiture; provided, if the conditions and covenants of  
15 the lease, violated by the lessee, cannot afterward be performed,  
16 then no notice, as last prescribed herein, need be given to the lessee  
17 or his or her subtenant, demanding the performance of the violated  
18 conditions or covenants of the lease.

19     A tenant may take proceedings, similar to those prescribed in  
20 this chapter, to obtain possession of the premises let to a subtenant  
21 or held by a servant, employee, agent, or licensee, in case of his  
22 or her unlawful detention of the premises underlet to him or her  
23 or held by him or her.

24     4. Any tenant, subtenant, or executor or administrator of his or  
25 her estate heretofore qualified and now acting, or hereafter to be  
26 qualified and act, assigning or subletting or committing waste upon  
27 the demised premises, contrary to the conditions or covenants of  
28 his or her lease, or maintaining, committing, or permitting the  
29 maintenance or commission of a nuisance upon the demised  
30 premises or using the premises for an unlawful purpose, thereby  
31 terminates the lease, and the landlord, or his or her successor in  
32 estate, shall upon service of three days' notice to quit upon the  
33 person or persons in possession, be entitled to restitution of  
34 possession of the demised premises under this chapter. For  
35 purposes of this subdivision, a person who ~~illegally sells a~~  
36 ~~controlled substance upon the premises or uses the premises to~~  
37 ~~further that purpose, or a person who possesses illegal weapons~~  
38 ~~or illegal ammunition or both or uses the premises to further that~~  
39 ~~purpose, or a person who illegally possesses weapons or~~  
40 ~~ammunition or both or uses the premises to further that purpose,~~

1 *commits an offense included in paragraph (1) of subdivision (c)*  
2 *of Section 11571.1 of the Health and Safety Code, or subdivision*  
3 *(c) of Section 12041 of the Penal Code, or uses the premises to*  
4 *further the purpose of that offense shall be deemed to have*  
5 *committed a nuisance upon the premises.*

6 5. When he or she gives written notice as provided in Section  
7 1946 of the Civil Code of his or her intention to terminate the  
8 hiring of the real property, or makes a written offer to surrender  
9 which is accepted in writing by the landlord, but fails to deliver  
10 possession at the time specified in that written notice, without the  
11 permission of his or her landlord, or the successor in estate of the  
12 landlord, if applicable.

13 As used in this section, tenant includes any person who hires  
14 real property except those persons whose occupancy is described  
15 in subdivision (b) of Section 1940 of the Civil Code.

16 SEC. 2. *Section 12041 is added to the Penal Code, to read:*

17 12041. (a) *To effectuate the purposes of this article, the city*  
18 *prosecutor or city attorney may file, in the name of the people, an*  
19 *action for unlawful detainer against any person who is in violation*  
20 *of the nuisance or illegal purpose provisions of subdivision 4 of*  
21 *Section 1161 of the Code of Civil Procedure, with respect to a*  
22 *weapons or ammunition purpose. In filing this action, which shall*  
23 *be based upon an arrest report or other report by a law*  
24 *enforcement agency, reporting an offense committed on the subject*  
25 *property and documented by the observation of a police officer,*  
26 *the city prosecutor or city attorney shall utilize the procedures set*  
27 *forth in Chapter 4 (commencing with Section 1159) of Title 3 of*  
28 *Part 3 of the Code of Civil Procedure, except that in cases filed*  
29 *under this section, the following also shall apply:*

30 (1) (A) *Prior to filing an action pursuant to this section, the*  
31 *city prosecutor or city attorney shall give 30 calendar days' written*  
32 *notice to the owner, requiring the owner to file an action for the*  
33 *removal of the person who is in violation of the nuisance or illegal*  
34 *purpose provisions of subdivision 4 of Section 1161 of the Code*  
35 *of Civil Procedure with respect a weapons or ammunition purpose.*

36 (B) *This notice shall include sufficient documentation*  
37 *establishing a violation of the nuisance or illegal purpose*  
38 *provisions of subdivision 4 of Section 1161 of the Code of Civil*  
39 *Procedure and shall be served upon the owner and the tenant in*  
40 *accordance with subdivision (e).*

1 (C) *The notice to the tenant shall also include on the bottom of*  
2 *its front page, in at least 14-point bold type, the following:*

3  
4 *“Notice to Tenant: This notice is not a notice of eviction.*  
5 *However, you should know that an eviction action may soon*  
6 *be filed in court against you for weapons and ammunition*  
7 *activity, as described above. You should call (insert name and*  
8 *telephone number of the city attorney or prosecutor pursuing*  
9 *the action) or a legal assistance provider to stop the eviction*  
10 *action if any of the following is applicable:*

- 11 *(i) You are not the person named in this notice.*  
12 *(ii) The person named in the notice does not live with you.*  
13 *(iii) The person named in the notice has permanently moved.*  
14 *(iv) You do not know the person named in the notice.*  
15 *(v) You have any other legal defense or legal reason to stop*  
16 *the eviction action. A list of legal assistance providers is*  
17 *attached to this notice. Some provide free legal help if you are*  
18 *eligible.”*

19  
20 (D) *The owner shall, within 30 calendar days of the mailing of*  
21 *the written notice, either provide the city prosecutor or city*  
22 *attorney with all relevant information pertaining to the unlawful*  
23 *detainer case, or provide a written explanation setting forth any*  
24 *safety-related reasons for noncompliance, and an assignment to*  
25 *the city prosecutor or city attorney of the right to bring an unlawful*  
26 *detainer action against the tenant.*

27 (E) *The assignment shall be on a form provided by the city*  
28 *prosecutor or city attorney and may contain a provision for costs*  
29 *of investigation, discovery, and reasonable attorney’s fees, in an*  
30 *amount not to exceed six hundred dollars (\$600).*

31 (F) *If the city prosecutor or city attorney accepts the assignment*  
32 *of the right of the owner to bring the unlawful detainer action, the*  
33 *owner shall retain all other rights and duties, including the*  
34 *handling of the tenant’s personal property, following issuance of*  
35 *the writ of possession and its delivery to and execution by the*  
36 *appropriate agency.*

37 (2) *Upon the failure of the owner to file an action pursuant to*  
38 *this section, or to respond to the city prosecutor or city attorney*  
39 *as provided in paragraph (1), or having filed an action, if the*  
40 *owner fails to prosecute it diligently and in good faith, the city*

1 *prosecutor or city attorney may file and prosecute the action, and*  
2 *join the owner as a defendant in the action. This action shall have*  
3 *precedence over any similar proceeding thereafter brought by the*  
4 *owner, or to one previously brought by the owner and not*  
5 *prosecuted diligently and in good faith. Service of the summons*  
6 *and complaint upon the defendant owner shall be in accordance*  
7 *with Sections 415.10, 415.20, 415.30, 415.40, and 415.50 of the*  
8 *Code of Civil Procedure.*

9 *(3) If a jury or court finds the defendant tenant guilty of unlawful*  
10 *detainer in a case filed pursuant to paragraph (2), the city*  
11 *prosecutor or city attorney may be awarded costs, including the*  
12 *costs of investigation and discovery and reasonable attorney's*  
13 *fees. These costs shall be assessed against the defendant owner,*  
14 *to whom notice was directed pursuant to paragraph (1), and once*  
15 *an abstract of judgment is recorded, it shall constitute a lien on*  
16 *the subject real property.*

17 *(4) This article shall not prevent a local governing body from*  
18 *adopting and enforcing laws, consistent with this article, relating*  
19 *to weapons or ammunition abatement. If local laws duplicate or*  
20 *supplement this article, this article shall be construed as providing*  
21 *alternative remedies and not preempting the field.*

22 *(5) This article shall not prevent a tenant from receiving relief*  
23 *against a forfeiture of a lease pursuant to Section 1179 of the Code*  
24 *of Civil Procedure.*

25 *(b) In any proceeding brought under this section, the court may,*  
26 *upon a showing of good cause, issue a partial eviction ordering*  
27 *the removal of any person, including, but not limited to, members*  
28 *of the tenant's household if the court finds that the person has*  
29 *engaged in the activities described in subdivision (a). Persons*  
30 *removed pursuant to this section may be permanently barred from*  
31 *returning to or reentering any portion of the entire premises. The*  
32 *court may further order as an express condition of the tenancy*  
33 *that the remaining tenants shall not give permission to or invite*  
34 *any person who has been removed pursuant to this subdivision to*  
35 *return to or reenter any portion of the entire premises.*

36 *(c) For purposes of this section, "weapons or ammunition*  
37 *purpose" means the illegal manufacture, causing to be*  
38 *manufactured, importation, possession, possession for sale, sale,*  
39 *furnishing, or giving away of any of the following:*

1     (1) A firearm, as defined in subdivision (b) of Section 12001  
2     of the Penal Code.

3     (2) Any weapon or ammunition listed in paragraph (1) of  
4     subdivision (a) of Section 12020 of the Penal Code.

5     (3) Any ammunition, as defined in paragraph (2) of subdivision  
6     (b) of Section 12316 or subdivisions (a) and (b) of Section 12323  
7     of the Penal Code.

8     (4) Any assault weapon, as defined in Section 12276, 12776.1,  
9     or 12276.5 of the Penal Code.

10    (5) Any .50 BMG rifle, as defined in Section 12278 of the Penal  
11    Code.

12    (6) Any tear gas weapon, as defined in Section 12402 of the  
13    Penal Code.

14    (d) Notwithstanding subdivision (b) of Section 68097.2 of the  
15    Government Code, a public entity may waive all or part of the  
16    costs incurred in furnishing the testimony of a peace officer in an  
17    unlawful detainer action brought pursuant to this section.

18    (e) The notice and documentation described in paragraph (1)  
19    of subdivision (a) shall be given in writing and may be given either  
20    by personal delivery or by deposit in the United States mail in a  
21    sealed envelope, postage prepaid, addressed to the owner at the  
22    address known to the public entity giving the notice, or as shown  
23    on the last equalized assessment roll, if not known. Separate notice  
24    of not less than 30 calendar days and documentation shall be  
25    provided to the tenant in accordance with this subdivision. Service  
26    by mail shall be deemed to be completed at the time of deposit in  
27    the United States mail. Proof of giving the notice may be made by  
28    a declaration signed under penalty of perjury by any employee of  
29    the public entity which shows service in conformity with this  
30    section.

31    (f) This section shall apply only to the following courts:

32    (1) In the County of Los Angeles, any court having jurisdiction  
33    over unlawful detainer cases involving real property situated in  
34    the City of Los Angeles or the City of Long Beach.

35    (2) In the County of San Diego, any court having jurisdiction  
36    over unlawful detainer cases involving real property situated in  
37    the City of San Diego.

38    (3) In the County of Alameda, any court with jurisdiction over  
39    unlawful detainer cases involving real property situated in the  
40    City of Oakland.



1     (g) (1) *The city attorney and city prosecutor of each*  
2 *participating jurisdiction shall provide to the Judicial Council the*  
3 *following information:*

4     (A) *The number of notices provided pursuant to paragraph (1)*  
5 *of subdivision (a).*

6     (B) *The number of cases filed by an owner, upon notice.*

7     (C) *The number of assignments executed by owners to the city*  
8 *attorney or city prosecutor.*

9     (D) *The number of three-day, 30-day, or 60-day notices issued*  
10 *by the city attorney or city prosecutor.*

11     (E) *The number of cases filed by the city attorney or city*  
12 *prosecutor.*

13     (F) *The number of times that an owner is joined as a defendant*  
14 *pursuant to this section.*

15     (G) *As to each case filed by an owner, the city attorney, or the*  
16 *city prosecutor, the following information:*

17     (i) *The number of judgments ordering an eviction or partial*  
18 *eviction, and specifying whether each was a default judgment,*  
19 *stipulated judgment, or judgment following trial.*

20     (ii) *The number of cases, listed by separate categories, in which*  
21 *the case was withdrawn or in which the tenant prevailed.*

22     (iii) *The number of other dispositions, and specifying the*  
23 *disposition.*

24     (iv) *The number of defendants represented by counsel.*

25     (v) *Whether the case was a trial by the court or a trial by a jury.*

26     (vi) *Whether an appeal was taken, and, if so, the result of the*  
27 *appeal.*

28     (vii) *The number of cases in which partial eviction was*  
29 *requested, and the number of cases in which the court ordered a*  
30 *partial eviction.*

31     (H) *As to each case in which a notice was issued, but no case*  
32 *was filed, the following information:*

33     (i) *The number of instances in which a tenant voluntarily*  
34 *vacated.*

35     (ii) *The number of instances in which a tenant vacated a unit*  
36 *prior to the providing of the notice.*

37     (iii) *The number of cases in which the notice provided pursuant*  
38 *to subdivision (a) was erroneously sent to the tenant. This shall*  
39 *include a list of the reasons, if known, for the erroneously sent*  
40 *notice, such as reliance on information on the suspected violator's*

1 *name or address that was incorrect, a clerical error, or any other*  
2 *reason.*

3 *(iv) The number of other resolutions, and specifying the type of*  
4 *resolution.*

5 *(2) (A) Information compiled pursuant to this section shall be*  
6 *reported annually to the Judicial Council on or before January*  
7 *30 of each year.*

8 *(B) The Judicial Council shall thereafter submit a brief report*  
9 *to the Senate and Assembly Committees on the Judiciary on or*  
10 *before April 15, 2009, summarizing the information collected*  
11 *pursuant to this section and evaluating the merits of the pilot*  
12 *programs established by this section. The report for this section*  
13 *may be combined with the Judicial Council report submitted for*  
14 *the pilot program established by Section 11571.1 of the Health*  
15 *and Safety Code.*

16 *(h) This section shall remain in effect only until January 1, 2010,*  
17 *and as of that date is repealed, unless a later enacted statute, that*  
18 *is enacted before January 1, 2010, deletes or extends that date.*

19 ~~SEC. 2. Section 11571.1 of the Health and Safety Code is~~  
20 ~~amended to read:~~

21 ~~11571.1. (a) To effectuate the purposes of this article, the city~~  
22 ~~prosecutor or city attorney may file, in the name of the people, an~~  
23 ~~action for unlawful detainer against any person who is in violation~~  
24 ~~of the nuisance or illegal purpose provisions of subdivision 4 of~~  
25 ~~Section 1161 of the Code of Civil Procedure, with respect to a~~  
26 ~~controlled substance purpose, or a weapons or ammunition purpose.~~  
27 ~~In filing this action, which shall be based upon an arrest report or~~  
28 ~~on another action or report by a regulatory or law enforcement~~  
29 ~~agency, the city prosecutor or city attorney shall utilize the~~  
30 ~~procedures set forth in Chapter 4 (commencing with Section 1159)~~  
31 ~~of Title 3 of Part 3 of the Code of Civil Procedure, except that in~~  
32 ~~cases filed under this section, the following also shall apply:~~

33 ~~(1) (A) Prior to filing an action pursuant to this section, the city~~  
34 ~~prosecutor or city attorney shall give 30 calendar days' written~~  
35 ~~notice to the owner, requiring the owner to file an action for the~~  
36 ~~removal of the person who is in violation of the nuisance or illegal~~  
37 ~~purpose provisions of subdivision 4 of Section 1161 of the Code~~  
38 ~~of Civil Procedure with respect to a controlled substance purpose,~~  
39 ~~or a weapons or ammunition purpose.~~

1     ~~(B) This notice shall include sufficient documentation~~  
2     ~~establishing a violation of the nuisance or illegal purpose provisions~~  
3     ~~of subdivision 4 of Section 1161 of the Code of Civil Procedure~~  
4     ~~and shall be served upon the owner and the tenant in accordance~~  
5     ~~with subdivision (e).~~

6     ~~(C) The notice to the tenant shall also include on the bottom of~~  
7     ~~its front page, in at least 14-point bold type, the following:~~

8     ~~“Notice to Tenant: This notice is not a notice of eviction.~~  
9     ~~However, you should know that an eviction action may soon be~~  
10    ~~filed in court against you for suspected drug activity, or weapons~~  
11    ~~and ammunition activity, as described above. You should call~~  
12    ~~(insert name and telephone number of the city attorney or~~  
13    ~~prosecutor pursuing the action) or legal aid to stop the eviction~~  
14    ~~action if any of the following is applicable:~~

- 15    ~~(i) You are not the person named in this notice.~~  
16    ~~(ii) The person named in the notice does not live with you.~~  
17    ~~(iii) The person named in the notice has permanently moved.~~  
18    ~~(iv) You do not know the person named in the notice.~~  
19    ~~(v) You have any other legal defense or legal reason to stop the~~  
20    ~~eviction action.~~

21    ~~A list of legal assistance providers is attached to this notice.~~  
22    ~~Some provide free legal help if you are eligible.”~~

23    ~~(D) The owner shall, within 30 calendar days of the mailing of~~  
24    ~~the written notice, either provide the city prosecutor or city attorney~~  
25    ~~with all relevant information pertaining to the unlawful detainer~~  
26    ~~case, or provide a written explanation setting forth any~~  
27    ~~safety-related reasons for noncompliance, and an assignment to~~  
28    ~~the city prosecutor or city attorney of the right to bring an unlawful~~  
29    ~~detainer action against the tenant.~~

30    ~~(E) The assignment shall be on a form provided by the city~~  
31    ~~prosecutor or city attorney and may contain a provision for costs~~  
32    ~~of investigation, discovery, and reasonable attorney’s fees, in an~~  
33    ~~amount not to exceed six hundred dollars (\$600).~~

34    ~~(F) If the city prosecutor or city attorney accepts the assignment~~  
35    ~~of the right of the owner to bring the unlawful detainer action, the~~  
36    ~~owner shall retain all other rights and duties, including the handling~~  
37    ~~of the tenant’s personal property, following issuance of the writ~~  
38    ~~of possession and its delivery to and execution by the appropriate~~  
39    ~~agency.~~

~~(2) Upon the failure of the owner to file an action pursuant to this section, or to respond to the city prosecutor or city attorney as provided in paragraph (1), or having filed an action, if the owner fails to prosecute it diligently and in good faith, the city prosecutor or city attorney may file and prosecute the action, and join the owner as a defendant in the action. This action shall have precedence over any similar proceeding thereafter brought by the owner, or to one previously brought by the owner and not prosecuted diligently and in good faith. Service of the summons and complaint upon the defendant owner shall be in accordance with Sections 415.10, 415.20, 415.30, 415.40, and 415.50 of the Code of Civil Procedure.~~

~~(3) If a jury or court finds the defendant tenant guilty of unlawful detainer in a case filed pursuant to paragraph (2), the city prosecutor or city attorney may be awarded costs, including the costs of investigation and discovery and reasonable attorney's fees. These costs shall be assessed against the defendant owner, to whom notice was directed pursuant to paragraph (1), and once an abstract of judgment is recorded, it shall constitute a lien on the subject real property.~~

~~(4) Nothing in this article shall prevent a local governing body from adopting and enforcing laws, consistent with this article, relating to drug, or weapons or ammunition abatement. Where local laws duplicate or supplement this article, this article shall be construed as providing alternative remedies and not preempting the field.~~

~~(5) Nothing in this article shall prevent a tenant from receiving relief against a forfeiture of a lease pursuant to Section 1179 of the Code of Civil Procedure.~~

~~(b) In any proceeding brought under this section, the court may, upon a showing of good cause, issue a partial eviction ordering the removal of any person, including, but not limited to, members of the tenant's household if the court finds that the person has engaged in the activities described in subdivision (a). Persons removed pursuant to this section may be permanently barred from returning to or reentering any portion of the entire premises. The court may further order as an express condition of the tenancy that the remaining tenants shall not give permission to or invite any person who has been removed pursuant to this subdivision to return to or reenter any portion of the entire premises.~~

1     ~~(e) (1) For the purposes of this section, “controlled substance~~  
2 ~~purpose” means the manufacture, cultivation, importation into the~~  
3 ~~state, transportation, possession, possession for sale, sale,~~  
4 ~~furnishing, administering, or giving away, or providing a place to~~  
5 ~~use or fortification of a place involving, cocaine, phenylidine,~~  
6 ~~heroin, methamphetamine, or any other controlled substance, in a~~  
7 ~~violation of subdivision (a) of Section 11350, Section 11351,~~  
8 ~~11351.5, 11352, or 11359, subdivision (a) of Section 11360, or~~  
9 ~~Section 11366, 11366.6, 11377, 11378, 11378.5, 11379, 11379.5,~~  
10 ~~11379.6, or 11383, if the offense occurs on the subject real property~~  
11 ~~and is documented by the observations of a peace officer.~~

12     ~~(2) For purposes of this section, “weapons or ammunition~~  
13 ~~purpose” means the illegal manufacture, causing to be~~  
14 ~~manufactured, importation into the state, transportation, possession,~~  
15 ~~possession for sale, sale, furnishing, giving away, or providing~~  
16 ~~storage of, a firearm, as defined in subdivision (b) of Section 12001~~  
17 ~~of the Penal Code, or of any cane gun or wallet gun, any~~  
18 ~~undetectable firearm, any firearm which is not immediately~~  
19 ~~recognizable as a firearm, any ammunition which contains or~~  
20 ~~consists of any flechette dart, any multiburst trigger activator, any~~  
21 ~~short-barreled shotgun, any short-barreled rifle, any loaded cane,~~  
22 ~~any zip gun or unconventional pistol as defined in subdivision (e)~~  
23 ~~of Section 12020 of the Penal Code, or of any assault weapon as~~  
24 ~~defined in Section 12276, 12276.1, or 12276.5 of the Penal Code,~~  
25 ~~or of any .50 BMG rifle, as defined in Section 12278 of the Penal~~  
26 ~~Code, or of any ammunition as defined in paragraph (2) of~~  
27 ~~subdivision (b) of Section 12316 or Section 12323 of the Penal~~  
28 ~~Code, or of any tear gas weapon as defined in Section 12402, if~~  
29 ~~the offense occurs on the subject real property and is documented~~  
30 ~~by the observations of a peace officer.~~

31     ~~(d) Notwithstanding subdivision (b) of Section 68097.2 of the~~  
32 ~~Government Code, a public entity may waive all or part of the~~  
33 ~~costs incurred in furnishing the testimony of a peace officer in an~~  
34 ~~unlawful detainer action brought pursuant to this section.~~

35     ~~(e) The notice and documentation described in paragraph (1)~~  
36 ~~of subdivision (a) shall be given in writing and may be given either~~  
37 ~~by personal delivery or by deposit in the United States mail in a~~  
38 ~~sealed envelope, postage prepaid, addressed to the owner at the~~  
39 ~~address known to the public entity giving the notice, or as shown~~  
40 ~~on the last equalized assessment roll, if not known. Separate notice~~

~~1 of not less than 30 calendar days and documentation shall be  
2 provided to the tenant in accordance with this subdivision. Service  
3 by mail shall be deemed to be completed at the time of deposit in  
4 the United States mail. Proof of giving the notice may be made by  
5 a declaration signed under penalty of perjury by any employee of  
6 the public entity which shows service in conformity with this  
7 section.~~

~~8 (f) This section shall only apply to the following courts:~~

~~9 (1) In the County of Los Angeles, any court having jurisdiction  
10 over unlawful detainer cases involving real property situated in  
11 the City of Los Angeles or in the City of Long Beach.~~

~~12 (2) In the County of San Diego, any court having jurisdiction  
13 over unlawful detainer cases involving real property situated in  
14 the City of San Diego.~~

~~15 (3) In the County of Alameda, any court with jurisdiction over  
16 unlawful detainer cases involving real property situated in the City  
17 of Oakland.~~

~~18 (g) (1) The city attorney and city prosecutor of each  
19 participating jurisdiction shall provide to the Judicial Council the  
20 following information:~~

~~21 (A) The number of notices provided pursuant to paragraph (1)  
22 of subdivision (a).~~

~~23 (B) The number of cases filed by an owner, upon notice.~~

~~24 (C) The number of assignments executed by owners to the city  
25 attorney or city prosecutor.~~

~~26 (D) The number of three-day, 30-day, or 60-day notices issued  
27 by the city attorney or city prosecutor.~~

~~28 (E) The number of cases filed by the city attorney or city  
29 prosecutor.~~

~~30 (F) The number of times that an owner is joined as a defendant  
31 pursuant to this section.~~

~~32 (G) As to each case filed by an owner, the city attorney, or the  
33 city prosecutor, the following information:~~

~~34 (i) The number of judgments ordering an eviction or partial  
35 eviction (specify whether default, stipulated, or following trial).~~

~~36 (ii) The number of cases, listed by separate categories, in which  
37 the case was withdrawn or in which the tenant prevailed.~~

~~38 (iii) The number of other dispositions (specify disposition).~~

~~39 (iv) The number of defendants represented by counsel.~~

~~40 (v) Whether the case was a trial by the court or a trial by a jury.~~

1     ~~(vi) Whether an appeal was taken, and, if so, the result of the~~  
2 ~~appeal.~~

3     ~~(vii) The number of cases in which partial eviction was~~  
4 ~~requested, and the number of cases in which the court ordered a~~  
5 ~~partial eviction.~~

6     ~~(H) As to each case in which a notice was issued, but no case~~  
7 ~~was filed, the following information:~~

8     ~~(i) The number of instances in which a tenant voluntarily vacated~~  
9 ~~the unit.~~

10    ~~(ii) The number of instances in which a tenant vacated a unit~~  
11 ~~prior to the providing of the notice.~~

12    ~~(iii) The number of cases in which the notice provided pursuant~~  
13 ~~to subdivision (a) was erroneously sent to the tenant. (List reasons,~~  
14 ~~if known, for the erroneously sent notice, such as reliance on~~  
15 ~~information on the suspected controlled substance law violator's~~  
16 ~~name or address that was incorrect; clerical error; or any other~~  
17 ~~reason.)~~

18    ~~(iv) The number of other resolutions (specify resolution).~~

19    ~~(2) (A) Information compiled pursuant to this section shall be~~  
20 ~~reported annually to the Judicial Council on or before January 30~~  
21 ~~of each year.~~

22    ~~(B) The Judicial Council shall thereafter submit a brief report~~  
23 ~~to the Senate and Assembly Committees on the Judiciary once on~~  
24 ~~or before April 15, 2007, and once on or before April 15, 2009,~~  
25 ~~summarizing the information collected pursuant to this section and~~  
26 ~~evaluating the merits of the pilot programs established by this~~  
27 ~~section.~~

28    ~~(h) This section shall remain in effect only until January 1, 2010,~~  
29 ~~and as of that date is repealed unless a later enacted statute deletes~~  
30 ~~or extends that date.~~